

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Crl.Misc.No.68538-M of 2006

DATE OF DECISION: NOVEMBER 17, 2006

Mandeep Kaur and another

...PETITIONERS

VERSUS

State of Punjab

...RESPONDENT

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr.Sunil Chadha, Advocate,
for the petitioners.
Mr.N.S.Gill, AAG, Punjab.

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The petitioners have filed this petition under Section 482 of the Code of Criminal Procedure for quashing of FIR No.78 dated 6.8.2004, which was registered on the statement of petitioner No.1 against petitioner No.2 and his other family members under Sections 498-A, 406, 420 and 120-B IPC at Police Station Bholath, District Kapurthala, and all the subsequent proceedings arising therefrom.

During the pendency of this petition, both the parties have amicably settled their dispute. In this regard, the affidavit of petitioner No.1 has been annexed with this petition as Annexure P-2. Petitioner No.2 has appeared along with his counsel in this Court and has made the following statement:

“My marriage was performed with Mandeep Kaur (petitioner No.1) on 11.2.2002. From the said marriage, a child was born

in the year 2004. Subsequently, because of some misunderstanding, my wife got lodged FIR No.78 dated 6.8.2004 against me and my other family members under Sections 498-A, 406, 420 and 120-B IPC at Police Station Bholath, District Kapurthala. In the meanwhile, I went abroad and now I have settled the dispute with my wife and I have assured her that I will keep her without any harassment and will also not permit anyone or any of my family member to cause any harassment to her. I also undertake that I will also take my wife abroad after completing her papers. I am trying for the same.”

Petitioner No.1 has also appeared along with her counsel in this Court. She is identified by HC Sham Singh, No.127 Kapurthala, and she has made the following statement:

“I have heard the statement of my husband. He and his family members have assured me that in future I will not be harassed. He has also assured me that I will be taken abroad by him where he is working. Now I am residing happily with my husband. I have no objection if FIR No.78 dated 6.8.2004 registered against my husband and his other family members under Sections 498-A, 406, 420 and 120-B IPC at Police Station Bholath, District Kapurthala, is quashed.”

After hearing the arguments of learned counsel for the parties, I am of the opinion that since the parties have amicably settled the matter with the intervention of the respectables and petitioner No.1 has furnished an affidavit, according to which, she does not want to take any action

against her husband and his other family members, no useful purpose will be served by continuing with the criminal proceedings in the instant FIR and it will be futile because petitioner No.1-complainant is not going to support the prosecution case. I am satisfied that the compromise arrived at between the parties is bona fide. Therefore, in view of the aforesaid statements of both the petitioners, the fact that the parties have compromised the matter and the law laid down by the Apex Court in B.S.Joshi and Ors. v. State of Haryana and Anr., JT 2003 (3) SC 277, FIR No.78 dated 6.8.2004 under Sections 498-A, 406, 420 and 120-B IPC registered at Police Station Bholath, District Kapurthala, and all the subsequent proceedings arising therefrom are quashed.

The police is also directed to immediately release the passport of petitioner No.2.

Petition stands allowed accordingly.

Dasti on payment.

November 17, 2006
vkg

(SATISH KUMAR MITTAL)
JUDGE